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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3261

AN ORDINANCE ordering street improvements to Old Bellevue-Redmond Road from N.E. 8th Street to N.E. 10th Place and N.E. 10th Place from Old Bellevue-Redmond Road to 124th Avenue N.E., creating Local Improvement District No. 231 to pay certain costs thereof; providing that payment for such improvements be made by special assessment against properties benefited; and providing for the issuance and sale of local improvement district warrants, bonds or installment notes.

WHEREAS, by Resolution No. 4176, the City Council of the City of Bellevue, declared its intention to order the formation of a Local Improvement District for the construction of improvements within the herein described area and fixed the 16th day of May, 1983, at the hour of 7:00 p.m., at the Municipal Building of the City of Bellevue, Washington, before the City Council as the time and place for a public hearing on all legal matters relating to such proposed improvements and all objections thereto; and

WHEREAS, the City Manager has caused an estimate to be made of the costs and expenses of the proposed improvements, and has certified it to the City Council, together with all papers and information in her possession touching the proposed improvements, a description of the boundaries of the district, a statement of the costs and expenses of the improvements to be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purpose of general taxation; and

WHEREAS, said estimate is accompanied by a detailed copy of the preliminary assessment roll showing thereon the lots, tracts, parcels of land, and other property, together with plans and assessment maps of the proposed improvements; and

WHEREAS, due notice of hearing upon said Resolution No. 4176 was given in the manner provided by law and said hearing was held by the City Council on May 16, 1983, and all persons appearing at such hearing were heard, and all written protests were duly considered; and

WHEREAS, the City Council has determined that it is in the best interests of the City and of the owners of property within the area of the Local Improvement District, as hereinafter described, that the

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improvements hereinafter described be carried out and that a Local Improvement District be created in connection therewith; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Local Improvement District No. 231 established. Local Improvement District No. 231 is hereby established, which district shall include the property and boundaries of an area within the City, comprised of the following described continuous unit of improvement:

That portion of the Southwest quarter of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington described as follows: Commencing at the Southeast corner of the Southwest quarter of said Section 28; thence North 00°42'15" East along the East line thereof a distance of 617.40 feet; thence North 89°17'45" West a distance of 30.00 feet to the intersection of the West margin of 124th Avenue N.E. and the Southerly margin of N.E. 10th Street, also being the True Point of Beginning; thence South 31°41'15" West a distance of 312.50 feet to the Northwest corner of Parcel 3 of Bellevue Short Plat 77-74 recorded under Auditor's File Number 7711220885, records of King County, Washington; thence South 00°31'26" West along the West line of said Parcel 3 a distance of 5.19 feet; thence North 87°47'46" West a distance of 159.93 feet to the East line of Lot 71 of the plat of Brierwood Park as per plats recorded in Volume 17, Page 18, records of King County, Washington; thence South 00°31'26" West along said East line a distance of 69.45 feet; thence North 89°26'52" West a distance of 159.94 feet to the Southeast corner of the condominium plat of Midlakes Condominium as per condominium plats recorded in Volume 24, Pages 80 to 98, in the records of King County, Washington; thence continuing North 89°26'52" West along the Southerly line of said Midlakes Condominium a distance of 219.80 feet; thence South 00°31'26" West along the Southerly line of said Midlakes Condominium a distance of 11.08 feet; thence North 89°26'52" West along the Southerly line of said Midlakes Condominium a distance of 79.93 feet; thence South 00°31'26" West along the Southerly line of said Midlakes Condominium a distance of 51.50 feet; thence North 89°26'52" West a distance of 79.93 feet to the Southwest corner of said Midlakes Condominium; thence South 00°31'26" West along the East line of Lot 77 of the plat of Brierwood Park as per plats recorded in Volume 17, Page 18, records of King County, Washington a distance of 1.39 feet to the North line of the South 216.00 feet of the Southwest quarter of said Section 28; thence North 89°26'52" West a distance of 189.86 feet to the center line of vacated Clancy Avenue of said plat of Brierwood Park; thence South 00°31'26" West along said center line a distance of 53.99 feet; thence South 72°08'59" West a distance of 199.18 feet to the East line of Lot 81 of said plat of Brierwood Park; thence North 00°33'08" East along said East line a distance of 89.78 feet to the Southeasterly margin of N.E.

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Bellevue-Redmond Road; thence North 33°11'57" West a distance of 12.00 feet to the center line of said N.E. Bellevue Redmond Road; thence South 56°48'03" West along said center line a distance of 249.32 feet to the point of a tangent curve whose centers bears North 33°11'57" West a distance of 358.17 feet; thence along said curve to the right through a central angle of 170°50'43" an arc distance of 111.56 feet; thence North 00°31'26" East a distance of 126.29 feet; thence North 89°26'52" West a distance of 5.00 feet to the West line of Lot 84 of said plat of Brierwood Park; thence North 00°31'26" East along said West line a distance of 390.44 feet to the Northwest corner of said Lot 84; thence South 89°26'52" East along the North line of said Lot 84 and Lot 83 of said plat of Brierwood Park a distance of 91.84 feet; thence South 72°15'11" East a distance of 405.20 feet to the West margin of 120th Avenue N.E.; thence South 89°28'34" East a distance of 60.00 feet to the East margin of said 120th Avenue N.E.; thence North 18°06'24" East a distance of 380.70 feet; thence North 75°34'59" East a distance of 121.47 feet; thence North 79°43'58" East a distance of 287.14 feet; thence North 80°55'25" East a distance of 76.17 feet to the center line of vacated Fletcher Avenue of said plat of Brierwood Park; thence North 00°31'26" East along the center line of said vacated Fletcher Avenue a distance of 95.41 feet to the Southerly margin of N.E. 12th Street; thence South 73°30'00" East along said Southerly margin a distance of 43.49 feet; thence South 65°40'55" East along said Southerly margin a distance of 103.33 feet; thence South 82°40'54" East along said Southerly margin of N.E. 12th Street a distance of 131.44 feet; thence South 36°42'08" East a distance of 272.47 feet to the intersection of the Northerly margin of N.E. 10th Street and the West margin of 124th Avenue N.E.; thence South 00°42'15" West along said West margin of 124th Avenue a distance of 63.65 feet to the True Point of Beginning.

Section 2. Improvements ordered. The area described in Section 1 hereof shall be improved by:

The reconstruction of three lanes (36') of Old Bellevue-Redmond Road from N.E. 8th Street to N.E. 10th Place together with the widening of N.E. 10th Place to three lanes (36') from Old Bellevue-Redmond Road to 124th Avenue N.E., including the necessary grading, regrading, filling, impacting, surface channelization and including concrete curbs, gutters, sidewalks, storm drainage improvements and other services and appurtenances necessary thereto.

Said improvements constitute a continuous unit of improvement. The above described improvements shall be made in accordance with plans and specifications prepared and/or approved by the Public Works and Utilities Department.

Section 3. Assessment of Costs. All of the costs and expenses in connection with the installation and construction of said improvements,

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including the estimated costs and expenses of: (a) the improvement within street intersections; (b) all engineering and surveying necessary for the improvement, whether done under the supervision of the City Engineer or otherwise; (c) all legal work and opinions incidental thereto; (d) ascertaining the ownership of lots or parcels of land included within the assessment district; (e) appraisals; (f) advertising, mailing, posting and publishing all necessary notices; (g) accounting, clerical labor and of books and blanks, extended or used on the part of the City Clerk or Treasurer in connection with the improvement; (h) acquisition of rights-of-way, property, easements and other facilities or rights-of-way, and all other expenses incidental thereto as required or provided by law of the State of Washington and ordinance of the City of Bellevue shall be allocated to and be borne by the properties within the improvement district, in accordance with the special benefits conferred, and the costs assessed against the individual properties in accordance with an assessment method which will fairly reflect the special benefits conferred, provided, however, that such portion of said costs and expenses, if any, which is paid by the City shall not be allocated to and be borne by said properties. The improvements shall be paid for by means of assessments against the various properties as aforesaid, and through the use of bonds (or in lieu thereof, installment notes), all as provided by statute and ordinance for local improvement districts.

Section 4. Estimated Costs. The total estimated costs and expenses of the improvements herein ordered is hereby declared to be \$243,070, and the work hereby ordered constitutes one continuous unit of improvement.

Section 5. Assessment District. There is hereby created an assessment district, consisting of all of the property within Local Improvement District No. 231 especially benefited by the improvements above ordered, which property shall be assessed for the costs and expenses of the improvements in accordance with the special benefits conferred thereon as provided in Section 3 above.

Section 6. Fund Created. There is hereby created and established, for Local Improvement District No. 231, a special fund to be known and designated as "Local Improvement Fund, District No. 231", into which shall be deposited (a) the proceeds from the sale of warrants drawn against said fund which may be issued and sold by the City, (b) collections pertaining to assessments and against which funds shall be issued cash warrants to pay contractor or contractors in payment for the work to be done by them in connection with said improvements, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with said improvements.

Section 7. Issuance and Sale of Local Improvement District Warrants and Bonds or Installment Notes. The Finance Director is hereby authorized to issue Local Improvement District warrants from time to time in such amounts as he/she may determine in payment, or from which to obtain funds to pay the costs and expenses of the improvements herein

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ordered. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. 231", to bear interest from the date thereof at a rate to be hereafter fixed and to be redeemed in cash or by Local Improvement District bonds or installment notes herein authorized to be issued, said interest bearing warrants to be hereafter referred to as "Local Improvement District No. 231 Warrants."

Bonds payable on or before 12 years from the date of issuance may be issued in exchange for the redemption of any and all warrants issued hereunder not redeemed and cashed. In lieu of such bonds, installment note(s) may be issued as provided by statute. Said bonds or installment notes shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said district, payable in 10 equal installments, with interest at a rate to be hereafter fixed by ordinance levying the assessment. In case of default in the payment of any assessment when the same shall become due, the delinquent installments, in addition to the interest payable as provided in this ordinance, shall be subject to a penalty charge of 5% levied upon both principal and interest due on such installment or installments; foreclosure shall be accomplished in the manner provided by law and the ordinances of the City of Bellevue. The exact amount, form, date and denomination of said bonds shall be fixed hereafter by ordinance of the City of Bellevue.

Section 8. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 16th day of May, 1983,
and signed in authentication of its passage this 16th day
of May, 1983.

(SEAL)

Roy A. Ferguson
Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

Richard L. Kirkby
Richard L. Kirkby, Assistant

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published May 21, 1983